

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

FRANKLIN KINSEY,

Plaintiff,

v.

BILLY LOFLIN, TYLER WOMACK, and
UNKNOWN DOBBS,

Defendants.

No. 1:23-CV-00007-NCC

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. Plaintiff Franklin Kinsey has filed a civil action pursuant to 42 U.S.C. § 1983. (Docket No. 1). However, he has not filed a motion for leave to proceed in forma pauperis or paid the filing fee. *See* E.D. Mo. L.R. 2.01(B)(1) (“The Clerk may refuse to receive and file any pleading or document in any case until the applicable statutory fee is paid, except in cases accompanied by a completed application to proceed in forma pauperis”). Plaintiff will therefore be directed to either file a motion for leave to proceed in forma pauperis or pay the full filing fee within **thirty (30) days** of the date of this order. If plaintiff fails to comply, this action will be dismissed without prejudice and without further notice. If plaintiff chooses to file a motion for leave to proceed in forma pauperis, he must also include a certified copy of his inmate account statement for the six-month period immediately preceding the filing of his complaint. *See* 28 U.S.C. § 1915(a)(2).

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall send to plaintiff a copy of its motion for leave to proceed in forma pauperis form.

IT IS FURTHER ORDERED that plaintiff must either file a motion for leave to proceed in forma pauperis or pay the full filing fee within **thirty (30) days** of the date of this order.

IT IS FURTHER ORDERED that if plaintiff fails to either file a motion for leave to proceed in forma pauperis or pay the full filing fee within **thirty (30) days** of the date of this order, the Court will dismiss this action without prejudice and without further notice.

IT IS FURTHER ORDERED that if plaintiff files a motion for leave to proceed in forma pauperis, he must also include a certified copy of his inmate account statement for the six-month period immediately preceding the filing of his complaint.

Dated this 20th day of January, 2023.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE